

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CV-05-00038

February 21, 2007
9:00 a.m.

Lisa Black -vs- Jim Brewer, et al

PRESENT: Hon. Terry J. Hatter, Jr., Designated Judge Presiding
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Court Deputy
Michael Dotts, Attorney for Plaintiff
George Hasselback, Attorney for Plaintiff
Lisa Black, Plaintiff
Gregory Baka, Attorney for Defendants
Heather Kennedy, Attorney for Defendants
Jim Brewer, Defendant

PROCEEDINGS: JURY TRIAL - Day Two

Plaintiff was represented by Attorneys Michael Dotts and George Hasselback. Defense was represented by Deputy Attorney General Gregory Baka and Attorney Heather Kennedy.

Attorney Hasselback apologized to the Court for the lack of their exhibits filed with the Court; he further stated that they could not identify where the breakdown of filing occurred but they had now provided a tabbed exhibit binder for the Court and filed the other exhibits electronically.

Jurors were brought into the Courtroom at 9:13 a.m.

Lisa S. Black returned to the witness stand.

Attorney Dotts continued with DX of witness and Plaintiff, Lisa Black at 9:13 a.m. Attorney Dotts moved to admit **Ex. 11 (000550); 11 (000553); and 11(000552)**; no objection, Court so ordered. Attorney Dotts moved to admit **Ex. 14** (unsigned letter) into

evidence; over objection, Court so ordered. Attorney Dotts moved to admit **Ex. 12** into evidence; over objection, Court so ordered. CX by Attorney Kennedy began at 9:40 a.m. Attorney Kennedy offered **Ex. Q** into evidence; no objection, Court so ordered. Attorney Kennedy offered **Ex. N** into evidence; no objection, Court so ordered. Attorney Kennedy offered **Ex. I** into evidence; no objection, Court so ordered.

Court recessed the jurors from the Courtroom at 10:25 a.m. and matters regarding Ms. Black's resume were discussed.

Court recessed at 10:30 a.m. and reconvened at 10:50 a.m.

Outside the presence of the jury there were discussions about exhibits.

Jurors were brought back into the Courtroom at 11:55 a.m.

Attorney Kennedy continued with the CX of Ms. Black. (Side Bar was held for approx. 10 minutes.) Attorney Kennedy moved to admit Ex. ZZ; objection. Court denied admission of Ex. ZZ. Attorney Dotts began RDX at 11:37 a.m. Attorney Kennedy began RCX at 11:53 a.m. and finished at 11:56 a.m.

Court recessed the jurors at 11:58 a.m. and ordered them to return at 1:30 p.m.

Court recessed at 11:59 a.m. and reconvened at 1:35 p.m.

Plaintiff called witness:

DR. LARRY HOCOG. DX by Attorney Hasselback began at 1:40 p.m. Attorney Hasselback moved to have Dr. Larry Hocog deemed an expert witness in this trial. Attorney Kennedy proceeded with voir dire of this witness. Further, Attorney Kennedy objected to the witness being deemed an expert witness. Court ruled that the determination as to whether this witness was an expert would be left up to the jurors. Attorney Hasselback continued with DX at 1:50 p.m. Attorney Kennedy began CX at 2:00 p.m. Attorney Hasselback began RDX at 2:12 p.m. And concluded at 2:14 p.m. Attorney Kennedy conducted RCX at 2:14 p.m. (A copy of Ex. AAA was handed to the witness for review).

Court explained to the jurors that a witness would be taken out of order due to the witnesses travel plans and that Defendant's witness would be heard at this time.

Defense called witness:

CHRISTINE HALLORAN. DX by Attorney Kennedy began at 2:15 p.m. ended at 2:30 p.m. Attorney Dotts began CX at 2:30 p.m. and concluded at 2:43 p.m. Witness was excused.

Court recessed at 2:45 and reconvened at 3:00 p.m.

Plaintiff called witness:

FELISA BREL. DX by Attorney Dotts began at 3:03 p.m. and concluded at 3:10 p.m. Attorney Kennedy conducted CX at 3:10 p.m. and concluded at 3:15 p.m. Attorney Dotts began RDX at 3:15 p.m. and concluded at 3:16 p.m. Witness was excused.

ROGER SLATER. DX by Attorney Hasselback began at 3:18 p.m. Attorney Hasselback moved to admit this witness as an expert witness regarding financial damages. No objection. Court ruled that the jury would make the determination as to whether this witness would be deemed an expert. Attorney Kennedy conducted CX and concluded at 3:40 p.m. Attorney Hasselback moved to admit Ex. 16 (Damages) into evidence; no objection, Court so ordered. Attorney Hasselback conducted RDX and concluded at 3:41 p.m.

Attorney Dotts informed the Court that their next witness was not due until tomorrow morning and they did not have any witnesses ready at this time.

Jurors were excused for the evening at 3:42 p.m.

Outside the presence of the jurors discussions were conducted about upcoming witnesses.

Court adjourned at 3:40 p.m.

/s/ K. Lynn Lemieux, Courtroom Deputy